

REMARKS

Cancellation of Claims 41-48, without prejudice, and addition of new Claims 49-76 is herein proposed to better describe the present invention in language consistent with that found in the originally filed January 2, 1998, Specification. As such, the outstanding rejections of Claims 41-48 are respectfully submitted as now being moot in light of the newly added claims. New claims 49-76, the number of which is covered by the original filing fee of the present continuation application, are believed to be fully supported by the originally filed specification and to be in allowable form. Thus, favorable consideration of the present continuation application is respectfully requested in light of the foregoing proposed amendment and these remarks. Each newly added independent claim is outlined, *infra*.

New independent **Claim 49** positively recites an AC electrical *power strip apparatus*, the apparatus comprising:

an input power cord member;

a *power strip* having an electrical distribution main electrically coupled to the input power cord member;

a plurality of electrical output receptacle sets electrically coupled to the main, each receptacle set defining an AC electrical outlet circuit surrounded by an outlet body structure; and

a housing member, the housing member having means for receiving an end of the input power cord member and for providing a secure insulated housing for the receptacle sets, the housing member having means for partitioning access to, and for facilitating electrical engagement with, a corresponding receptacle set including the outlet body structure surrounding the circuit, and *each outlet body structure having a distinct color*.

Thus, **Claim 49** entails a power strip with a housing member having each outlet body structure being a distinct color.

New independent **Claim 56** positively recites an AC electrical *power strip apparatus*, the apparatus comprising:

an input power cord member;

a *power strip* having an electrical distribution main electrically coupled to the input power cord member;

a plurality of electrical output receptacle sets electrically coupled to the main, each

receptacle set defining an AC electrical outlet circuit surrounded by an outlet body structure; and

a housing member, the housing member having means for receiving an end of the input power cord member and for providing a secure insulated housing for the receptacle sets, the housing member having means for partitioning access to, and for facilitating electrical engagement with, a respective receptacle set including the outlet body structure of the AC electrical outlet circuit, *each outlet body structure having a distinct color,*

wherein the partitioning and facilitating means includes means for identifying a corresponding peripheral device to be electrically engaged to a receptacle set, and

wherein the identifying means includes an indicia corresponding to each corresponding peripheral device.

Thus, Claim 56 entails a power strip with a housing member having each outlet body structure being a distinct color and having peripheral device indicia.

New independent Claim 62 positively recites an AC electrical power strip apparatus, the apparatus comprising:

an input power cord member;

a power strip having an electrical distribution main electrically coupled to the input power cord member;

a plurality of electrical output receptacle sets electrically coupled to the main, each receptacle set defining an AC electrical outlet circuit surrounded by an outlet body structure; and

a housing member, the housing member having means for receiving an end of the input power cord member and for providing a secure insulated housing for the receptacle sets, the housing member having means for partitioning access to, and for facilitating electrical engagement with, a corresponding receptacle set including the body structure of the AC electrical outlet circuit,

wherein each outlet body structure is provided with a solid colored sticker for distinguishing the corresponding AC electrical outlet circuits delineated by the partitioning and facilitating means, each colored sticker having a distinct color.

Thus, Claim 62 entails a power strip with a housing member having a distinct solid colored sticker applied to each outlet body structure.

New independent **Claim 68** positively recites an AC electrical *power strip apparatus*, the apparatus comprising:

an input power cord member;

a *power strip* having an electrical distribution main electrically coupled to the input power cord member;

a plurality of electrical output receptacle sets electrically coupled to the main, each receptacle set defining an AC electrical outlet circuit surrounded by an outlet body structure; and

a housing member, the housing member having means for receiving an end of the input power cord member and for providing a secure insulated housing for the receptacle sets, the housing member having means for partitioning access to, and for facilitating electrical engagement with, a respective receptacle set including the body structure of the AC electrical outlet circuit, *each outlet body structure having a distinct color*,

wherein a plurality of solid colored stickers is provided for selective attachment to a corresponding electrical cord providing power to a peripheral device utilizing the power strip, each sticker having a color matching that of each corresponding outlet body structure to be utilized for powering the corresponding peripheral device, and

wherein the plurality of solid colored stickers includes a sticker, having a color matching that of each corresponding outlet body structure, for attachment to each corresponding peripheral device being powered from the corresponding electrical cord.

Thus, **Claim 68** entails a power strip with a housing member having each outlet body structure being a distinct color in combination with stickers for each peripheral device's electrical cord as well as stickers for each peripheral device itself.

New independent **Claim 70** positively recites an AC electrical *power strip apparatus*, the apparatus comprising:

an input power cord member;

a *power strip* having a plurality of electrical output receptacle sets electrically coupled to the main, each receptacle set defining an AC electrical outlet circuit surrounded by an outlet body structure;

a housing member, the housing member having means for receiving an end of the input

power cord member and for providing a secure insulated housing for the receptacle sets, the housing member having means for partitioning access and for facilitating electrical engagement with a respective receptacle set including the outlet body structure of the AC electrical outlet circuit,

5 *wherein the partitioning and facilitating means includes means for identifying a corresponding peripheral device to be electrically engaged to a receptacle set, and*

wherein the identifying means includes an indicia corresponding to each peripheral device.

10 **Thus, Claim 70 entails a "plain" power strip having peripheral device indicia.**

New illustrative Claim 76 positively recites an AC electrical *power strip apparatus*, comprising:

a power strip having an electrical distribution main electrically coupled to an input power cord member;

15 *a plurality of electrical output receptacle sets electrically coupled to the main, each receptacle set defining an AC electrical outlet circuit surrounded by an outlet body structure; and*

20 *a housing member, the housing member having means for receiving an end of the input power cord member and for providing a secure insulated housing for the receptacle sets, the housing member having means for partitioning access to, and for facilitating electrical engagement with, a respective receptacle set including the outlet body structure surrounding the AC electrical outlet circuit, and each outlet body structure having a distinct color,*

25 *wherein the partitioning and facilitating means includes means for identifying a corresponding peripheral device to be electrically engaged to a receptacle set, wherein the identifying means includes an indicia corresponding to each corresponding peripheral device,*

30 *wherein the distinct color of each outlet body structure is provided in manner selected from a group consisting essentially of manufacturing each outlet body structure with a distinct color and retrofitting each outlet body structure with a distinct color by thereto applying a colored label,*

wherein a plurality of solid colored stickers is provided for selective attachment to a corresponding electrical cord providing power to each corresponding

peripheral device utilizing the power strip, each sticker having a color matching that of each corresponding outlet body structure to be utilized for powering each corresponding peripheral device,

5 *wherein the plurality of solid colored stickers includes a sticker, having a color matching that of each corresponding outlet body structure, for attachment to each corresponding peripheral device being powered from the corresponding electrical cord,*

10 *wherein a plurality of solid colored electrical extension cords is provided for selective attachment to the power strip, each extension cord having a color matching that of each corresponding outlet body structure being utilized for powering each corresponding peripheral device, and*

15 *wherein a plurality of solid colored stickers is provided for selective attachment to a corresponding electrical cord providing power to each corresponding peripheral device utilizing each corresponding extension cord, each sticker having a color matching that of each corresponding outlet body structure and that of each corresponding extension cord being utilized.*

Thus, illustrative Claim 76 entails a power strip with a housing member having each outlet body structure being a distinct solid color and having peripheral device indicia in combination with a label for retrofitting each outlet body structure with a distinct solid color, solid colored stickers for each peripheral device, solid colored stickers for each electrical cord as well as solid colored stickers for each peripheral device itself, and solid colored extension cords. The retrofitting limitation is fully supported by both the December 12, 2000, continuation application Specification (p. 6, ll. 17-26) as well as by the originally filed Specification (p. 6, ll. 15-24), teaching:

Fig. 3 shows power strip 20N in accordance with the present invention having color coded AC outlet portions C1, C2, C3, C4, C5 and Cx permanently provided at time of manufacturing with the colored portions, or after market, by applying an appropriate *colored labels or indicia* Ic1, Ic2, Ic3, Ic4, Ic5 and Icx to the outlet portions of an AC power strip not provided with permanent color coded portions, in accordance with the present invention. The colored portions C1, C2, C3, C4, C5 and Cx and the colored labels or indicia Ic1, Ic2, Ic3, Ic4, Ic5 and Icx, attachable to the outlet portions of the AC power strip 20N, may include the identifying information of the particular peripheral device to be powered. By example, indicia with the appropriate peripheral device 30, 40, 50, 60, or 70 identity may be imprinted on the indicia [element]. [Emphasis added.]

With respect to the case law for supporting allowance if the newly added claims, *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) held that combining simple elements from different references does not sustain grounds for an obviousness-based rejection:

Vital Signs has not offered sufficient independent evidence to support the district court's decision to combine elements from different references, arguing only that the suggestion to combine references comes from knowledge and common sense of a person of ordinary skill in the art. See, e.g., *In re Bozek*, That common knowledge may have been within the province of the ordinary artisan does not in and of itself make it so, absent clear and convincing evidence of such knowledge. See *C.R. Bard, Inc. v. M3 Sys., Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998); *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc.*, 776 F.2d 281, 297-98, 227 USPQ 657, 667 (Fed. Cir. 1985). Vital Signs, thus failed ... to establish why one of ordinary skill would have found it obvious to combine ... limitations in a particular way to achieve the ... invention.

Further, the Applicant submits that *In re Jones* (1992), in restating the rule of *In re Fine* (1988) further defines the requisite suggestion for sustaining a § 103(a) rejection:

Before the PTO may combine the disclosures of two or more prior art references in order to establish prima facie obviousness, there must be some suggestion for doing so *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598-99 (Fed. Cir. 1988). [at 1943] [emphasis added] ... the combination ... is not an extraordinary invention; it is deceptively simple. However, simplicity alone cannot be determinative of obviousness. See *Gentry Galley, Inc. v. Berkline Corp.*, 143 F.3d 1473, 1478 [45 USPQ2d 1498] (Fed. Cir. 1998); See also *In re Oetiker*, 977 F.2d 1443, 1447 [24 USPQ2d 1443] (Fed. Cir. 1992) ("Simplicity alone is not inimical to patentability."). The standard of obviousness is not whether in hindsight, it seems elementary that someone would have combined these certain elements in the prior art to form the invention in question. It is insufficient to prove that at the time of the claimed invention, the separate elements of the device were present in the known art. Rather, there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill to combine such elements so as to create the same invention. See *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957 [43 USPQ2d 1294] (Fed. Cir. 1997).

The prior art must provide one of ordinary skill in the art the motivation to make the proposed molecular modifications needed to arrive at the claimed compound. [at 1944] [Emphasis added.]

In addition, *In re McLaughlin* held: "... the test for combining references is not what the individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art." *In re McLaughlin*, 170 USPQ at 212 (1971). The Court there further reversed the Board's decision, basing the reversal on a Rule 1.132 affidavit submitted by the applicant: "The evidence, comprising two affidavits and a series of exhibits, indicates that the invention has been commercially successful and that its concept was promptly adapted by a competitor. Recognizing that the inference of obviousness drawn from the prior art disclosures is only prima facie justification for drawing the ultimate legal conclusion that the claimed invention is unpatentable under 35 U.S.C. 103, it is imperative that such secondary considerations also be evaluated in determining the final

validity of that legal conclusion. We emphasize that such is true even where, as here, the claimed invention involves **only relatively simple mechanical concepts**. ‘A patentable invention, within the ambit of 35 U.S.C. 103, *may* result even if the inventor *has*, in effect, merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.’” *In re McLaughlin*, 170 USPQ at 212 (1971) [Emphasis added].

Here, the Applicant has combined the following elements: (1) a **plug strip**, (2) **solid color-coding**, and (3) a **retrofitting option**. Applying the case of *In re McLaughlin*, which held that ‘A patentable invention, within the ambit of 35 U.S.C. 103, *may* result even if the inventor *has*, in effect, merely combined features, old in the art, for their own purpose, without producing anything beyond the results inherent in their use.’” As such, even if the combination of the instant claimed elements only produced results “inherent in their use” (i.e., “expected beneficial results”), as asserted by the Examiner, the Applicant respectfully submits that this circumstance **would not and does not preclude patentability** under the law as stated in *McLaughlin*.

CONCLUSION

Accordingly, cancellation of Claims 41-48, without prejudice, and addition of new Claims 49-76 has been herein proposed to better describe the present invention in language consistent with that found in the originally filed January 2, 1998, Specification. As such, the outstanding rejections of Claims 41-48 have been respectfully submitted as now being moot in light of the newly added claims. New claims 49-76, the number of which is covered by the original filing fee of the present continuation application, are believed to be fully supported by the originally filed specification and to be in allowable form. Thus, favorable consideration of the present continuation application has been respectfully requested in light of the foregoing proposed amendment and remarks. *The Examiner is cordially invited to telephone the undersigned for any reason whatsoever which would advance the pending claims or the foregoing proposed amended claims to allowance.*

Respectfully submitted,



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